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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,064	05/08/2001	Peter Lisec	L57-362002-pUS	9161

466 7590 11/24/2003

YOUNG & THOMPSON
745 SOUTH 23RD STREET 2ND FLOOR
ARLINGTON, VA 22202

EXAMINER

AFTERGUT, JEFF H

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/850,064

Applicant(s)

LISEC, PETER

Examiner

Jeff H. Aftergut

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 14-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of German Patent 3634793 and any one of E.P. 546,854, E.P. 662,389 or PCT WO 88/06966 optionally further taken with Lemelson for the same reasons as presented in paper no. 12, paragraph 2.

Response to Arguments

3. Applicant's arguments filed 10-6-03 have been fully considered but they are not persuasive.

The applicant essentially argues that the prior art of record failed to teach or suggest that the welding operation ceased once the edges which were cut in the members abutted to one another. In essence what applicant is referring to is a lack of pressure application subsequent to the edges contacting one another. Regarding the reference to German '793, the applicant argues that the reference formed a slight bulge and therefore must have continued with the welding operation once the edges were in contact (because applicant did not attain a bulge and applicant stopped the welding operation as soon as the edges abutted (or the application of pressure when the edges were contacted)). The applicant is advised that the reference did in fact show that one skilled in the art would have formed a slight bulge in the region where the weld was formed at 9. The intent of the reference was not to have the depicted fillet and/or to make the same as small as possible in the operation (a fair reading of the abstract of the disclosure makes it clear that one did not desire a bead but instead desired to provide a weld joint with even appearance. The

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references to each one of E.P. 546,854, E.P. 662,389 or PCT WO 88/06966 clearly provided embodiments where no weld bead or bulge was present. More specifically, the applicant is referred to E.P. '854 at page 4, lines 44-page 5, line 1 where the reference suggested that excessive pressure during the welding operation would have resulted in an excessively large bead and additionally that the inner bead 9 had a height h "if any" which was much less than that of bead 8. E.P. '389 provided an example where "no bead projecting from the inner circumferential surface of the pipe was found", column 7, lines 4-11. Additionally, PCT '966 expressed that there was no flow of plastic material into the inner passageway as a function of the undercuts formed (see the abstract of the disclosure and page 7, lines 4-11 where the description of the welding seam 19 on the inside of the assembly is recited as not protruding and is essentially smooth). Clearly, in each of E.P. 546,854, E.P. 662,389 or PCT WO 88/06966 the references suggested that the application of pressure during the welding was such that no bead was formed in the region where the cutting took place. The applicant is advised that it appears that the formation of the bead is a function of the application of pressure during the welding operation (if one continues to apply pressure after the surfaces 7 contact then a weld bead would have been formed) and that the references to any one of E.P. 546,854, E.P. 662,389 or PCT WO 88/06966 suggested that no bead was formed subsequent to the welding operation. As a result, it would reason that the welding operation (or at least the application of pressure during the welding operation) had ceased when the surfaces contacted in the region where it was desired to limit the bead. Continuation of the pressure and welding operation would have resulted in the formation of a bead. Applicants admit that it is the stopping of the welding operation which results in no bead being formed. Clearly, then the references to any one of E.P. 546,854, E.P.

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662,389 or PCT WO 88/06966 suggested that the welding operation ceased when the noted surfaces contacted one another.

The applicant does not address Lemelson other than to state that the reference does not cure the deficiencies of the prior art. Lemelson was cited to show that it was known to form profiles for window frames from either aluminum or plastic. The reference to German Patent '793 clearly desired to form the profiles from plastic without formation of a bead. One skilled in the art would have readily appreciated that the local of the undercutting in the profile would have been the local where no bead was formed in the later performed welding operation. Had one understood that the weld bead was unsightly on the side of the profile visible to the user after assembly of the glass to the profiles, one skilled in the art would have readily appreciated that this would have been the region which was treated via grooving and/or cutting to provide for a region without a bead. The admitted prior art suggested that one skilled in the art would have recognized this problem in window assemblies, see page 1, lines 21-31. Clearly, one skilled in the art would have been motivated to practice the claimed invention in the manner claimed in order to avoid the formation of a bead.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period


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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 703-308-2069. The examiner can normally be reached on Monday-Friday 6:30-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Jeff H. Aftergut
Primary Examiner
Art Unit 1733

JHA
November 23, 2003